

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.741 OF 1993

Sun-N-Sea Co-op Hsg Soc Ltd, .. Petitioner
Vs
Ms Reshma Kaur, .. Respondent
Mr Rajiv Narula, for the petitioners.
None for the respondent.

CORAM : D.B.BHOSALE, J.

DATE : 21.9.2005.

PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the common judgment and order dated 22.9.1992 passed in Appeal Nos 122 of 1992 and 367 of 1992, by which both the appeals filed by the petitioner were dismissed. They were filed against the orders dated 10.1.1992 and 6.8.1992 respectively passed by the Co-operative Court No.IV, Bombay. By that order, the society was restrained from preventing the respondent-disputant from bringing and keeping her animals in the compound of the society and causing any injury to the said animals. The impugned order passed in the appeals dated 22.9.1992 has been stayed by this Court while admitting the writ petition by order dated 18.3.1993. This Court, while issuing rule on 12.8.1993, passed the following order.

"Heard both sides. Rule. Interim relief as per (b). Hearing of the dispute by the trial Court

is expedited to be disposed off by the end of the year. Liberty to apply.

Prayer clause (b) reads thus:

"(b) that pending the hearing and final disposal of the petition the respondent be restrained by an order and injunction of this Hon'ble Court from bringing and/or keeping the said animals in the compound of the society and operation of the impugned order dated 22.9.1992 and order dated 6.8.1992 be stayed."

This interim order operates till today. Mr Narula, learned counsel for the petitioner, has no instructions whether or not the dispute has been disposed of as per the order dated 12.8.1993. Keeping that in view and considering the interim relief granted by this Court which is running since 12.3.1993, I find no reason to keep this petition pending any more. I am satisfied that the following order shall meet the ends of justice.

(i) The Co-operative Court shall decide the Dispute bearing No. 449 of 1991, if not disposed of so far as per the order dated 12.8.1993, as expeditiously as possible and preferably within a period of six months from the date of receipt of this order.

(ii) The interim order passed by this Court on 12.3.1993, shall remain operative only till the disposal of the dispute, if not disposed of already.

(iii) It is needless to express that the Co-operative court shall decide the dispute on merits in accordance with law and uninfluenced by the orders passed at the interlocutory stage.

(iv) The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)